



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

1595 Wynkoop Street
Denver, CO 80202-1121
Phone 800-227-8917
www.epa.gov/region8

AUG 25 2017

Ref: 8ENF-AT

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Natalie Ohlhausen
Chipeta Processing, LLC
1099 18th Street, Suite 1800
Denver, Colorado 80202

Re: Section 114(a) Request for Information for Chipeta Gas Plant located in Vernal, Utah

Dear Ms. Ohlhausen:

The U.S. Environmental Protection Agency hereby requires Chipeta Processing, LLC (Chipeta), to provide certain information to determine the Clean Air Act (CAA) compliance status of the Chipeta Gas Plant located in Vernal, Utah. Chipeta provided records to the EPA as part of a CAA Title V inspection in 2016. The EPA has evaluated those records, as well as violations disclosed for the Chipeta Gas Plant through the EPA's eDisclosure system in 2016, and hereby requests additional information to determine the site's compliance status.

Pursuant to section 114(a) of the CAA, 42 U.S.C. § 7414(a), the Administrator of the EPA is authorized to require any person who owns or operates an emissions source to establish and maintain records, make reports, sample emissions (in accordance with the procedures and methods that the Administrator shall prescribe) and provide such other information as he may reasonably require for the purposes of determining whether such person is in violation of any provision of the CAA. This authority has been delegated to the undersigned official. In order for the EPA to determine whether a violation of the CAA has occurred, you are hereby required, pursuant to section 114(a) of the CAA, to provide responses to the following Request for Information regarding the facility listed above. Accordingly, you must respond to this Request for Information within thirty (30) calendar days from receipt of this Request. See the Instructions and Definitions in Enclosure 1 and the Information Requested in Enclosure 2.

You are required to attach a properly executed Statement of Certification (Enclosure 3) to your response to this Request. Enclosure 3 must be signed and dated by an individual who is authorized by Chipeta to respond to this Request. You are under an obligation to preserve all documents requested in this letter until you receive further instructions from the EPA.

Failure to provide the required information is a violation of the CAA and may result in one or more of the following actions: 1) issuance of an administrative penalty order pursuant to section 113(d) of the CAA, 42 U.S.C. § 7413(d); 2) issuance of an order requiring compliance with this Request for Information; 3) the initiation of a civil action pursuant to section 113(b) of the CAA, 42 U.S.C. § 7413(b); and/or 4) any other action authorized under the CAA. In addition, knowingly providing false information in response to this Request for Information may be actionable under section 113(c) of the

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Natalie Ohlhausen

Sent To

Chipeta Processing, LLC

Street,
or PO Box

1099 18th Street, Suite 1800

City, State,
ZIP+4

Denver, CO 80202

PS Form 3800, August 2006

See Reverse for Instructions

CAA, 42 U.S.C. § 7413(c), and 18 U.S.C. §§ 1001 and 1341. The information you provide may be used by the EPA in administrative, civil, and criminal proceedings.

Under section 114(c) of the CAA, 42 U.S.C. § 7414(c), and pursuant to regulations at 40 C.F.R. part 2, including 40 C.F.R. § 2.301, you are entitled to claim as confidential any information you provide to the EPA which involves trade secrets and is regarded as confidential business information by you. For such information, you may request that the EPA treat the information as confidential. Any such claim for confidentiality must conform to the requirements of 40 C.F.R. § 2.203(b). Note that emissions information is not considered confidential under section 114(c). For detailed instructions, please see Enclosure 4 to this letter. Information you supply will be treated as confidential business information to the degree determined to be appropriate according to the regulations. If you fail to furnish a business confidentiality claim with your response to this Request for Information, the EPA will construe your failure as a waiver of that claim, and the information may be made available to the public without further notice to you.

To assist in its review and analysis of the submitted information, the EPA may wish to share all or part of Chipeta's response with an EPA contractor named Eastern Research Group (ERG). Pursuant to 40 C.F.R. § 2.301(h), the EPA possesses the authority to disclose to any authorized representative of the United States information which might otherwise be entitled to confidential treatment. ERG is providing support to the EPA in leak detection and repair (LDAR) technical matters under contract number EP-W-15-006. This letter serves as notice to Chipeta, pursuant to 40 C.F.R. § 2.301(h)(2)(iii), of this potential disclosure. To the extent that Chipeta may claim information provided in its response as confidential business information and has comments on this disclosure to ERG, Chipeta may submit comments on this disclosure to the EPA with its response to this Request for Information.

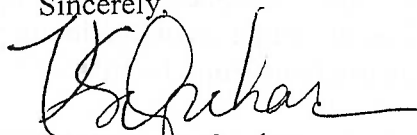
YOU MUST SUBMIT ALL RESPONSIVE INFORMATION, whether or not you make a claim of confidentiality.

Please submit your response to this Request to:

U.S. Environmental Protection Agency, Region 8
Attn: Joseph Wilwerding
Air and Toxics Technical Enforcement Program (8ENF-AT)
595 Wynkoop Street
Denver, Colorado 80202-1129

If you have any questions regarding this Request for Information, please contact Joseph Wilwerding at (303) 312-6729, or your counsel may contact Jessica Portmess, at (303) 312-7026.

Sincerely,



Kimberly S. Opekar
Acting Assistant Regional Administrator
Office of Enforcement, Compliance
and Environmental Justice

Enclosures

Enclosures

1. Instructions and Definitions
2. Request for Information
3. Statement of Certification
4. Confidential Business Information
5. Chipeta Gas Plant Microsoft Excel Workbook File

cc: Luke Dunkin, Honorable Chairman, Ute Indian Tribe
Greg Fried, Air Enforcement Division, OECA, EPA

ENCLOSURE 1:

A. GENERAL INSTRUCTIONS

1. Provide a separate narrative response to each question and subpart of a question set forth in the Request for Information. If **Chipeta** has no responsive information or **documents** pertaining to a particular request, submit an affirmative statement and explanation.
2. Precede each answer with the number of the question to which it corresponds and at the end of each answer **identify** the person(s) who provided information that was used or considered in responding to that question, as well as each person who was consulted in the preparation of that response.
3. Indicate on each **document** produced in response to this Request for Information, or in some other reasonable manner, the number of the question to which it corresponds. If a **document** is responsive to more than one request, this must be so indicated and only one copy of the **document** needs to be provided.
4. When a response is provided in the form of a number, specify the units of measure of the number in a precise manner.
5. Where **documents** or other information necessary for a response are neither in your possession nor available to you, indicate in your response why such **documents** or other information are not available or in your possession and identify any source that either possesses or is likely to possess such **documents** or other information.
6. If information not known or not available to you as of the date of submission later becomes known or available to you, you must supplement your response. Moreover, should you find at any time after the submission of your response that any portion of the submitted information is false or incorrect, you must notify the **EPA** as soon as possible.

B. INSTRUCTION FOR ELECTRONIC SUBMISSIONS

To aid in our electronic recordkeeping efforts, we request that you provide all **documents** responsive to this Request for Information in an electronic format according to paragraphs 1 through 6, below. These submissions are in lieu of hard copy.

1. Provide all responsive **documents** in Portable Document Format (PDF) or similar format, unless otherwise requested in specific questions. If the PDFs are scanned images, perform at least Optical Character Recognition (OCR) for "image over text" to allow the **document** to be searchable. Submitters providing secured PDFs should also provide unsecured versions for the **EPA** use in repurposing text.
2. When specific questions request data in electronic spreadsheet form, provide the data and corresponding information in editable Excel format, and not in image format. If the Excel format is not available, then the format should allow for data to be used in calculations by a standard spreadsheet program such as Excel.

3. Provide submission on physical media such as compact disk, flash drive or other similar item.
4. Provide a table of contents for each compact disk or flash drive containing electronic documents submitted in response to our request so that each document can be accurately identified in relation to your response to a specific question. *We recommend the use of electronic file folders organized by question number.* In addition, each compact disk or flash drive should be labeled appropriately (e.g., Company Name, Disk 1 of 4 for Information Request Response, Date of Response).
5. Documents claimed as confidential business information (CBI) must be submitted on separate disks/drives apart from the non-confidential information. This will facilitate appropriate records management and appropriate handling and protection of the CBI. Please follow the instructions in Enclosure 4 for designating information as CBI.
6. Certify that the attached files have been scanned for viruses and indicate what program was used.

C. INSTRUCTIONS PERTAINING TO THE EPA'S REVIEW OF THE LDAR DATABASE

Based on the information contained in leak detection and repair (LDAR) records provided by **Chipeta** to the **EPA** pursuant to a CAA inspection in 2016, the **EPA** has compiled a Microsoft Excel workbook documenting possible instances of noncompliance with applicable LDAR regulations. An electronic copy of the Microsoft Excel workbook is enclosed with this section 114 Request for Information as Enclosure 5. The workbook contains worksheet Tabs corresponding to specific questions in Enclosure 2 of this Request for Information.

Generally, in this Request for Information, the **EPA** requests that **Chipeta** provide information that demonstrates compliance was achieved with applicable LDAR standards. For each instance of potential noncompliance identified in Enclosure 5, the **EPA** requests that **Chipeta** annotate the Excel workbook, describing, if applicable, how **Chipeta** achieved compliance in the listed instance, and include any supporting documentation that demonstrates compliance was achieved.

Specifically, the **EPA** requests that **Chipeta** annotate the columns titled "Response" and "Documentation Reference" for each instance of potential noncompliance identified in Enclosure 5. Requested annotations to the "Response" columns are listed under each question in Enclosure 2. Under the "Documentation Reference" column, provide a reference to the supporting information submitted (e.g., "LDAR program records located at Chipeta\Documentation\Tab2\ComponentID-12851"). If all supporting information was provided in the LDAR database files submitted to the **EPA** in February 2016, state which specific tables within the database contain the supporting information. The **EPA** requests that supporting documentation be provided in separate files in Portable Document Format (*.pdf) format, unless otherwise specified in Enclosure 2. Further guidance on information requested by the **EPA** is provided under each question in Enclosure 2.

Regulatory references throughout Enclosure 2 include regulatory provisions that may apply. Where regulatory citations are provided, citations are to the provisions cross-referenced in the applicable standards (for instance, citations are to **Subpart VV** as the applicable standard referenced in **Subpart KKK**).

D. DEFINITIONS

All terms used in this Request for Information will have their ordinary meaning unless such terms are defined in the CAA, other CAA implementing regulations (e.g. 40 C.F.R. Part 60, **Subparts VV, VVa, KKK, OOOO, and OOOOa**), or otherwise defined herein.

1. The term “**Act**” or “**CAA**” shall mean the Clean Air Act, 42 U.S.C. §§ 7401 et seq.
2. The term “**affected facility**” shall mean, with reference to a stationary source, any apparatus to which a standard is applicable under the new source performance standards (NSPS) including, for example, **Subparts KKK, OOOO, or OOOOa**. With respect to **Subparts KKK, OOOO, and OOOOa**, “**affected facility**” also means the group of all equipment except compressors within a process unit.
3. The term “**affected source**,” for the purposes of 40 C.F.R. part 63, shall mean the collection of equipment, activities, or both within a single contiguous area and under common control that is included in a section 112(c) source category or subcategory for which a section 112(d) standard or other relevant standard is established pursuant to section 112 of the **Act**. Each relevant standard will define the “**affected source**,” as defined in this paragraph unless a different definition is warranted based on a published justification as to why this definition would result in significant administrative, practical, or implementation problems and why the different definition would resolve those problems. The term “**affected source**,” as used in 40 C.F.R. part 63, is separate and distinct from any other use of that term in EPA regulations such as those implementing Title IV of the **Act**. Affected source may be defined differently for part 63 than affected facility and stationary source in parts 60 and 61, respectively. This definition of “**affected source**,” and the procedures for adopting an alternative definition of “**affected source**,” shall apply to each section 112(d) standard for which the initial proposed rule is signed by the Administrator after June 30, 2002.
4. The term “**Chipeta**” shall mean Chipeta Gas Processing, LLC, and its affiliates, officers, members, managing members, limited partners, general partners, employees, contractors, and agents.
5. The term “**the Chipeta Gas Plant**” shall mean the gas plant owned and operated by Chipeta Gas Processing, LLC.
6. The term “**closed vent system**” shall mean a system that is not open to the atmosphere and that is composed of hard-piping, ductwork, connections, and, if necessary, flow-inducing devices that transport gas or vapor from a piece or pieces of equipment to a control device or back to a process.
7. The term “**commenced**” shall mean that an owner or operator has undertaken a continuous program of **construction** or modification or that an owner or operator has entered into a contractual obligation to undertake and complete, within a reasonable time, a continuous program of construction or modification.
8. The term “**construction**” shall mean fabrication, erection, or installation of an **affected facility**.

9. The terms “**document**” and “**documents**” shall mean any object that records, stores, or presents information, and includes writings, memoranda, records, or information of any kind, formal or informal, whether wholly or partially handwritten or typed, whether in computer format, memory, or storage device, or in hardcopy, including any form or format of these, in **Chipeta’s** possession, custody or control or to which **Chipeta** has or has had access. If in computer format or memory, each such document shall be provided in translation to a form useable and readable by EPA, with all necessary documentation and support. All documents should also include all attachments to or enclosures for the document provided.
10. The term “**EPA**” shall mean the United States Environmental Protection Agency.
11. The term “**equipment**” shall mean each pump, pressure relief device, open-ended valve or line, valve, compressor, sampling connection system, and flange or other connector that is in **VOC service, in VHAP service, or in wet gas service.**
12. The term “**hazardous air pollutant (HAP)**” shall mean any air pollutant listed in or pursuant to section 112(b) of the CAA.
13. The term “**identify**” means, **with respect to a natural person**, to set forth the person’s name and present or last known: employer, business address and business telephone number, job title (including division or group name), and job description and responsibilities.
14. The term “**identify**” means, **with respect to a corporation, limited liability company, partnership, business trust or other association or business entity (including a sole proprietorship)**, to set forth its full name, address, legal form (e.g., corporation, limited liability company, partnership, etc.), organization, if any, and a brief description of its business.
15. The term “**identify**” means, **with respect to a facility or operation**, the name of that facility or operation, its address, and a brief description of the operations.
16. The term “**identify**” means, **with respect to a document**, to provide its customary business description, its date, its number, if any (e.g., invoice or purchase order number), the author and recipient(s), and to describe the substance or the subject matter.
17. The term “**in volatile hazardous air pollutant (VHAP) service**” shall mean that a piece of equipment or compressor either contains or contacts a fluid (liquid or gas) which has a total VHAP concentration equal to or greater than 10 percent by weight as determined according to the provisions of 40 C.F.R. § 63.772(a).
18. The term “**in volatile organic compound (VOC) service**” shall mean that the piece of equipment contains or contacts a process fluid that is at least 10 percent VOC by weight. (The provisions of 40 C.F.R. §§ 60.485(d) or 60.485a(d) specify how to determine that a piece of equipment is not in VOC service.)
19. The term “**in wet gas service**” shall mean that a piece of equipment contains or contacts the field gas before the extraction step in the process.
20. The term “**LDAR**” shall mean leak detection and repair.

21. The term “**LDAR program**” shall mean the collection of **equipment** identified by **Chipeta** as subject to federal regulation for inventory tracking, monitoring, repairing, recordkeeping, or reporting of **equipment** leaks.
22. The term “**no detectable emissions (NDE)**” **equipment** shall mean **equipment** designated under 40 C.F.R. §§60.482–2(e), 60.482–3(i) or 60.482–7(f) for no detectable emissions.
23. The term “**NSPS capital expenditure calculations**” shall mean any calculations performed to determine whether there has been an expenditure for a physical or operational change to an existing facility, as provided under **Subparts KKK, OOOO, OOOOa, VV, and VVa**.
24. The term “**percent VOC content**” shall mean the fraction by weight of all **volatile organic compounds (VOC)** contained in a material as determined in accordance with procedures specified in 40 C.F.R. § 60.485(d)(1).
25. The term “**process unit**” or “**process units**” shall mean equipment assembled for the extraction of natural gas liquids from field gas, the fractionation of the liquids into natural gas products, or other operations associated with the processing of natural gas products. A process unit can operate independently if supplied with sufficient feed or raw materials and sufficient storage facilities for the products.
26. The term “**replacement cost**” shall mean the capital needed to purchase all the depreciable components in a facility.
27. The term “**Subpart HH**” shall mean the National Emission Standards for Hazardous Air Pollutants From Oil and Natural Gas Production Facilities, 40 C.F.R. §§ 63.760 et seq.
28. The term “**Subpart KKK**” shall mean the Standards of Performance for Equipment Leaks of VOC From Onshore Natural Gas Processing Plants for Which Construction, Reconstruction, or Modification Commenced After January 20, 1984, and on or Before August 23, 2011, 40 C.F.R. §§ 60.630 et seq.
29. The term “**Subpart OOOO**” shall mean the Standards of Performance for Crude Oil and Natural Gas Production, Transmission and Distribution for Which Construction, Modification or Reconstruction Commenced After August 23, 2011, and on or Before September 18, 2015, 40 C.F.R. §§ 60.5360 et seq.
30. The term “**Subpart OOOOa**” shall mean the Standards of Performance for Crude Oil and Natural Gas Facilities for which Construction, Modification or Reconstruction Commenced After September 18, 2015, 40 C.F.R. §§ 60.5360a et seq.
31. The term “**Subpart V**” shall mean the National Emission Standard for Equipment Leaks (Fugitive Emission Sources), 40 C.F.R. §§ 61.240 et seq.
32. The term “**Subpart VV**” shall mean the Standards of Performance for Equipment Leaks of VOC in the Synthetic Organic Chemicals Manufacturing Industry for Which Construction, Reconstruction, or Modification Commenced After January 5, 1981, and on or Before November 7, 2006, 40 C.F.R. §§ 60.480 et seq.
33. The term “**Subpart VVa**” shall mean the Standards of Performance for Equipment Leaks of VOC in the Synthetic Organic Chemicals Manufacturing Industry for Which Construction,

Reconstruction, or Modification Commenced After November 7, 2006, 40 C.F.R. §§ 60.480a et seq.

34. The term “**startup**” shall mean the setting in operation of an **affected facility** for any purpose.
35. The term “**volatile hazardous air pollutant (VHAP) concentration**” shall mean the fraction by weight of all hazardous air pollutants (HAP) contained in a material as determined in accordance with procedures specified in § 63.772(a).
36. The term “**volatile organic compounds (VOC)**” shall mean, for the purposes of **Subparts KKK, OOOO and OOOOa**, any reactive organic compounds as defined in 40 C.F.R. § 60.2 (Definitions).

ENCLOSURE 2:

INFORMATION REQUESTED:

Using the instructions and definitions set forth in Enclosure 1, provide the following information **within thirty (30) calendar days** from receipt of this Request. Where possible, any information not requested in editable electronic format should be provided in portable document format (PDF). If any of the information has been previously submitted to the EPA in its entirety, **Chipeta** has the option of resubmitting the information or identifying the previous submission and certifying that the previously-submitted information is true, accurate and complete in accordance with Enclosure 3. Terms in boldface are defined in Enclosure 1. If not otherwise specified, provide your response to each question for the five (5) years prior to the date of the Request for Information.

1. Provide in editable electronic format, on compact disc or other electronic storage media, a complete backup copy (*.bak format) of **all LDAR** records management databases used for the **Chipeta Gas Plant** during the five (5) years prior to the date of the Request for Information. Provide backup copies of any LDAR databases maintained by any prior LDAR contractor for the relevant time period, regardless of subsequent data migration. Include in your response the name and version of the fugitive emissions monitoring database programs submitted in response to this Request 1.
2. **Identify** the owner and operator of the **Chipeta Gas Plant**. If the entity is a subsidiary, also **identify** the parent company. Provide the following information for the owner and operator of the **Chipeta Gas Plant**:
 - a. Current organizational chart, including a chart reflecting the relationship between **Chipeta** and all of its direct or indirect owners or parent companies.
 - b. Indicate how long the entity has owned and/or operated the facility. If the entity has owned and operated the facility for less than five (5) years, **identify** the previous owner and operator.
 - c. Date of creation; state of incorporation and/or organization; and location of headquarters. Provide copies of the most recent **document(s)** filed with the state where the entity was incorporated, and the most recent **document(s)** filed with the Utah Secretary of State's Office.
 - d. **Identify** officers, members, managing members, limited partners, and general partners, and describe each of their roles and involvement in decision-making processes for the owner and operator.
3. Provide a summary and general history of the **Chipeta Gas Plant**, including the various processes (for example, inlet, dehydration, fractionation, extraction, amine unit, storage, separation, etc.), the year that each process was added, and the products produced. Indicate how the feed enters, and products exit, the **Chipeta Gas Plant**, e.g., truck, pipeline, etc. Provide the design capacity and average throughput through the facility over the past six months in million standard cubic feet per day (MMscfd).

4. Provide a plot plan and block flow diagram for the **Chipeta Gas Plant**. If already created, provide the latest color-coded process and instrumentation drawings (P&ID) showing the **LDAR program** applicability to process streams at the **Chipeta Gas Plant**.
5. The **Subpart KKK** semi-annual reports submitted for the **Chipeta Gas Plant** in 2015 and 2016 list the following **process units**: BTX; CRYO; FLR; FRAC; GLY; HMO; INLET; NGL; STAB; and Train 3. For the first nine **process units**, identify in which Train (i.e., Train 1, Train 2, or Train 3) each **process unit** is located. Train 3 is currently identified as one **process unit**. The definition of a **process unit** states that a “process unit can operate independently if supplied with sufficient feed or raw materials and sufficient storage facilities for the products.” The Train 3 (Train III) flow diagram contained in **Chipeta’s** Updated Permit Application submitted to the EPA on January 29, 2014 indicates that Train 3 includes the following process areas: Amine Unit, Mole Sieve Dehydration, Cryogenic System, and Thermal Oxidizer. These process areas typically constitute separate **process units** and are treated as such by other similar plants as well as by **Chipeta** (e.g., see nine **process units** identified above). Explain why **Chipeta** has identified Train 3 as one **process unit** rather than multiple **process units**. Identify all **process units** within Train 3.
6. **New LDAR Program Equipment** (Excel workbook Tab 1)

Tab 1 entries are counts of **equipment** that were added to (and/or removed from) **process units** under the **LDAR program** during one or more calendar quarters evaluated.

- a. Update Tab 1 to include **equipment** added to the **LDAR program** from June 1, 2016 through the last complete calendar quarter prior to receipt of this Request for Information. For the Train 3 **equipment** counts in Tab 1 and provided from June 1, 2016 to through the last complete calendar quarter prior to receipt of this Request for Information, provide the number of valves, pumps, pressure relief devices, and compressors added or removed each quarter in each process area/**process unit** (e.g., amine unit, mole sieve dehydration, cryogenic system, or thermal oxidizer) as those terms are described under Request 5.
- b. Provide the date upon which **Chipeta commenced construction** on each of the process areas/**process units** within Train 3 at the **Chipeta Gas Plant**. Provide the **startup** date for each of the Train 3 process areas/**process units**.
- c. After updating Tab 1, for each instance when **equipment** was added to the **LDAR program** or the facility, state whether the **equipment** added was: (1) Existing **equipment** newly added to the **LDAR program**; or (2) Newly installed **equipment** added to the **LDAR program**. For each instance, provide the following information, as applicable:
 - i. For existing **equipment** newly added to the **LDAR program**:
 1. The date the added **equipment** was physically installed in the **process unit** and a count of each type of **equipment** (e.g., valve, pump, connector) installed on that date, and
 2. The date the added **equipment** was placed in **volatile organic compound (VOC) service** or in **wet gas service** in the **process unit**, and a count of

each type of **equipment** (e.g., valve, pump, connector) placed into service on that date.

- ii. For newly installed **equipment** added to the **LDAR program** or the facility, calculate the emission rate increase for the **process unit** showing:
 - 1. The **LDAR** identification number for each piece of **equipment** added and removed;
 - 2. The service type for each piece of **equipment** added and removed;
 - 3. The type and subtype of each piece of **equipment** added and removed;
 - 4. The emission factor used for each piece of **equipment** added and removed; and
 - 5. The emission calculations, provided in an editable Excel Spreadsheet.
- iii. For newly installed **equipment** added to the **LDAR program** or the facility which result in an emission rate increase in an **affected facility**, **NSPS capital expenditure calculations** information for the **process unit** showing:
 - 1. The cost and **LDAR** identification number of each piece of **equipment** added;
 - 2. The **replacement cost** of the **affected facility** where the **equipment** was added;
 - 3. Year of construction for the **process unit**; and
 - 4. The **NSPS capital expenditure calculation**, provided in an editable Excel spreadsheet.

7. Follow-Up Monitoring for Leaking Valves (Excel workbook Tab 2)

Tab 2 entries are instances in which information could not be identified that indicates the valve was monitored monthly—after being found leaking above applicable leak definitions—until the **equipment** was shown not to leak for two consecutive months, as required by 40 C.F.R.

§§ 60.482-7(c)(2). For each entry in Tab 2, provide a justification/response and supporting documentation indicating the date of each monitoring event after the leak was identified and the monitoring result until the component was shown not to leak above applicable thresholds for two consecutive months. If the **equipment** could not be monitored during the period, describe the activity which prevented the **equipment** from being monitored, the start and end date of the activity which prevented the **equipment** from being monitored, and state whether the activity or outage was reported on semiannual **LDAR** reports. Provide supporting documentation for your responses.

8. Leaks Detected at **No Detectable Emissions (NDE) Equipment** (Excel workbook Tab 3)

Tab 3 entries are instances in which **equipment** designated by **Chipeta** as **no detectable emissions equipment**, under 40 C.F.R. §§ 60.482-2(e), 60.482-3(i), or 60.482-7(f), was operated with detectable emissions. For each entry in Tab 3, provide:

- a. The record signed by the owner or operator under 40 C.F.R. § 60.486(e)(2)(ii) designating the **equipment** as **NDE equipment**;
- b. The date the **NDE equipment** was removed from operating in **VOC service** or in **wet-gas service** after being identified as operating with detectable emissions; and
- c. The date the **NDE equipment** was returned to operating with no detectable emissions, as demonstrated by an instrument reading of less than 500 ppm above background.

10. **Delay of Repair** Exemption and Justification (Excel workbook Tabs 4, 5, and 6)

- a. Tab 4 entries are periods in which leaking **equipment** placed on **delay of repair** pursuant to 40 C.F.R. § 60.482-9 was repaired outside the next reported **process unit shutdown**. For each piece of **equipment** on **delay of repair** that was repaired during the calendar quarters shown in Tab 4, explain why a **process unit shutdown** was not needed to repair the **equipment**.
- b. Tab 5 entries are instances in which **equipment** was placed on **delay of repair** pursuant to 40 C.F.R. § 60.482-9 when repairs may have been technically feasible without a **process unit shutdown**. For each entry in Tab 5 in which **Chipeta** used “waiting on parts” as the justification for repair delay, state, under the Response column,
 - i. If a valve assembly was required to effect the repair;
 - ii. How valve assembly supplies were depleted during the next **process unit** shutdown; and
 - iii. How valve assembly supplies had been sufficiently stocked before the supplies were depleted during the next **process unit** shutdown.

See 40 C.F.R. § 60.482-9(e). Provide supporting information which demonstrates the conditions in 10.b.i-iii were met for each piece of **equipment**.

- c. Tab 6 entries are instances in which pumps and/or control valves were placed on delay of repair pursuant to 40 C.F.R. § 60.482-9 for repair at the next **process unit shutdown**, and continued to leak beyond the 15-day repair requirement. For each entry in Tab 6, state, under the Response column, whether piping and/or equipment existed at the plant that would have allowed the leaking **equipment** to be bypassed and removed from service for repair (for example, “No spare pump existed to allow leaking pump to be bypassed”). Provide supporting information, such as process and instrumentation diagrams showing the location of the leaking **equipment** and surrounding piping/equipment, which demonstrates no bypass piping and/or equipment existed.

11. Provide the unique identifying number (e.g., **LDAR** tag number) for each of the 53 valves which were the subject of the self-disclosure submitted for the **Chipeta Gas Plant** on June 27, 2016.
12. Provide the unique identifying number (e.g., **LDAR** tag number) for each piece of **closed vent system equipment** which was the subject of the self-disclosure submitted for the **Chipeta Gas Plant** on June 27, 2016.
13. State whether the **Chipeta Gas Plant** is currently a major or area source under **Subpart HH**, and provide the date and reason for all changes in **Subpart HH** source designation which occurred from 1999 or the date of initial startup of the **Chipeta Gas Plant**, whichever is later, until the present. Include a list of all emission units at the **Chipeta Gas Plant** and their potential **HAP** emissions in tons per year, each year from 2010 to the date of this Request. Also provide a list of the **affected sources** under 40 C.F.R. § 63.760(b)(1) or (2) at the **Chipeta Gas Plant**.
14. For each of the process streams associated with **equipment** in the facility **LDAR program**, provide the **percent VOC content** of the process stream, the **VHAP concentration** of the process stream, and the concentration in weight percent of each chemical in the process stream.
15. **Identify** any **documents** or portions of **documents** otherwise responsive to this Request for Information that have been withheld on grounds of privilege. For each such **document** or portion of **document**, also provide the request that the **document** is responsive to, and the grounds for the privilege asserted.

ENCLOSURE 3

STATEMENT OF CERTIFICATION

I certify under penalty of law that I have personally examined and am familiar with the information submitted in this document and all attachments and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine or imprisonment for knowing violations pursuant to section 113(c)(2) of the Clean Air Act, and 18 U.S.C. §§ 1001 and 1341.

(Signature)

(Printed Name)

(Title)

(Date)

ENCLOSURE 4

Confidential Business Information (CBI) Assertion and Substantiation Requirements

You may assert a business confidentiality claim covering all or part of the information you provide in response to this Request for Information for any business information entitled to confidential treatment under section 114(c) of the Clean Air Act (the Act), 42 U.S.C. § 7414, and 40 C.F.R. part 2, subpart B. Under section 114(c) of the Act, you are entitled to confidential treatment of information that would divulge methods or processes entitled to protection as trade secrets. Under 40 C.F.R. part 2, subpart B, business confidentiality means “the concept of trade secrecy and other related legal concepts which give (or may give) a business the right to preserve the confidentiality of business information and to limit its use or disclosure by others in order that the business may obtain or retain business advantages it derives from its rights in the information.” *See* 40 C.F.R. § 2.201(e).

Information covered by a claim of business confidentiality will be disclosed by the EPA only to the extent, and by means of the procedures, set forth in section 114(c) of the Act and 40 C.F.R. part 2, subpart B. If you fail to furnish a business confidentiality claim with your response to this Request for Information, the EPA will construe your failure as a waiver of that claim, and the information may be made available to the public without further notice to you.

To assert a business confidentiality claim, you must place on (or attach to) all information you desire to assert as business confidential either a cover sheet, stamped or typed legend, or other suitable form of notice employing language such as “trade secret,” “proprietary,” or “company confidential” at the time you submit your response to this Request for Information. Allegedly confidential portions of otherwise non-confidential documents should be clearly identified, and may be submitted separately to facilitate identification and handling by the EPA. You should indicate if you desire confidential treatment only until a certain date or until the occurrence of a certain event.

The criteria the EPA will use in determining whether material you claim as business confidential is entitled to confidential treatment are set forth at 40 C.F.R. §§ 2.208 and 2.301. These regulations provide, among other things, that you must satisfactorily show that: (1) the information is within the scope of business confidentiality as defined at 40 C.F.R. § 2.201(e); (2) you have taken reasonable measures to protect the confidentiality of the information and that you intend to continue to do so; (3) the information is not and has not been reasonably obtainable by legitimate means without your consent; and (4) the disclosure of the information is likely to cause substantial harm to your business’s competitive position. *See* 40 C.F.R. § 2.208 (a)-(e). Emission data, as defined at 40 C.F.R. § 2.301(a)(2), is expressly not entitled to confidential treatment under 40 C.F.R. part 2, subpart B. *See* 42 U.S.C. § 7414(c); 40 C.F.R. § 2.301(e).

If you assert a claim of business confidentiality in connection with information and documents forwarded in response to this Request for Information, in accordance with 40 C.F.R. § 2.204(e)(4), the EPA is requesting that you answer the following questions with respect to any information or document for which you assert a claim of business confidentiality:

1. What specific portions of the information are alleged to be entitled to confidential treatment? Specify by page, paragraph, and sentence when identifying the information subject to your claim.

2. For what period of time do you request that the information be maintained as confidential, e.g., until a certain date, until the occurrence of a specified event, or permanently? If the occurrence of a specific event will eliminate the need for confidentiality, specify that event. Additionally, explain why the information should be protected for the time period you've specified.
3. What measures have you taken to protect the information claimed as confidential from undesired disclosure? Have you disclosed the information to anyone other than a governmental body or someone who is bound by an agreement not to disclose the information further? If so, why should the information still be considered confidential?
4. Is the information contained in any publicly available material such as the Internet, publicly available databases, promotional publications, annual reports, or articles? Is there any means by which a member of the public could obtain access to the information? Is the information of a kind that you would customarily not release to the public?
5. Has any governmental body made a determination as to the confidentiality of the information? If so, please attach a copy of the determination.
6. For each category of information claimed as confidential, explain with specificity whether disclosure of the information is likely to result in substantial harm to your competitive position. Explain the specific nature of those harmful effects, why they should be viewed as substantial, and the causal relationship between disclosure and such harmful effects. How could your competitors make use of this information to your detriment?
7. Is there any other explanation you deem relevant to the EPA's determination of your business confidentiality claim that is not covered in the preceding questions? If so, you may provide such additional explanation.

Submit your answers to the above questions concurrently with your response to this Request for Information if you have claimed any information as business confidential. *See* 40 C.F.R. § 2.204(e)(2). You may request an extension of this deadline, pursuant to 40 C.F.R. § 2.205(b)(2). The EPA will construe your failure to furnish timely comments as a waiver of your confidentiality claim, consistent with 40 C.F.R. § 2.204(e)(1). Please submit your comments to:

Jessica Portmess
U.S. EPA Region 8
1595 Wynkoop Street (8ENF-L)
Denver, CO 80202-1129
303-312-7026

Pursuant to 40 C.F.R. § 2.205(c), you are hereby advised that information you submit as part of your comments may be regarded by the EPA as entitled to confidential treatment if, when it is received by the EPA, it is marked in accordance with 40 C.F.R. § 2.203(b). You may assert a business confidentiality claim covering all or part of your response to these questions, as provided in 40 C.F.R. § 2.203(b). *See* 40 C.F.R. § 2.204(e)(6). Information covered by such a claim will be disclosed by the EPA only to the extent, and by means of the procedures, set forth in section 114(c) of the Act and 40 C.F.R. part 2. The EPA will construe the failure to furnish a confidentiality claim with your comments as a waiver of that claim, and the information may be made available to the public without further notice to you.